

# Special Permit and Variance Process

## STEP ONE

Submit a Building Permit/Certificate of Occupancy application, surveyed site plan, floor plans, and building elevations to the Inspectional Services Department (ISD) in City Hall Room 203, (617) 889-8269, to apply for a Building Permit and/or a Certificate of Occupancy.

## STEP TWO

ISD will review your application and issue you either a permit or a **letter** that indicates the features of your project that are not in compliance with the Chelsea Zoning Ordinance. **This denial letter indicates that your proposal needs zoning relief before moving forward and that a special review process is needed in the form of a special permit, variance, or both.** See the other side of this pamphlet for the differences between a special permit and a variance.

## STEP THREE

If you choose to seek the required zoning relief, **obtain a Special Permit and/or Major Site Plan Petition or Variance Petition** from the Inspectional Services Department (Room 203) or the City website (<http://www.ci.chelsea.ma.us>). The petition form and *Chelsea Development Permitting Guide* detail the submission requirements for your application. Call the Planning Staff with any questions you have about completing the application at (617) 889-8233.

## STEP FOUR

Once your application is **complete with full copies of the application, narratives, pictures, and plans, submit the package to the City Clerk's office in City Hall.** If your application is complete, the Clerk will stamp in your petition. You may then distribute your plans to the various City departments and boards as directed in the application.

Your case will be scheduled to be heard by the appropriate board(s). **Agenda deadlines are usually four weeks prior to scheduled meetings.** The Zoning Board of Appeals (ZBA) generally meets every second Tuesday at 6:00 p.m. in Room 101 and the Planning Board generally meets every fourth Tuesday at 6:00 p.m., also in City Hall Room 101 on the first floor.

## STEP FIVE

You, the applicant, and abutters will be notified by mail of the scheduled meetings. For special permit petitions, the Planning Board will review your petition and make a recommendation to the ZBA to approve, approve with conditions, or deny. You may present your case, or allow a friend, attorney, or architect to present your case for you.



## STEP SIX

The ZBA will meet to review your special permit or variance petition. Once the decision is rendered by the ZBA (denied or approved with/without conditions), **the Board will file the decision with the City Clerk.**

## STEP SEVEN

If abutters file no appeals within twenty days of the decision filing date, you can obtain a certified copy of the decision at the City Clerk's office. **You must then file this certified decision at the Suffolk County Registry of Deeds to finalize the zoning approval.** The Building Inspector will require you to present evidence that this decision was properly recorded.

## STEP EIGHT

Your application is now ready to proceed through the building permit or Certificate of Occupancy (C.O.) process. **It is the applicant's responsibility to ensure that any conditions attached to the special permit and/or variance have been met.** Once completed, you may continue the building permit process with the Inspectional Services Department.

**NOTE:** This process is **applicant driven**, and it is the applicant's responsibility to submit all required information, to attend all meetings and hearings, and to complete each step of the development process.

## WHAT IS A SPECIAL PERMIT?

Some land uses in a zoning district are permitted as a property owner's right. Other activities, because of their potential impact on the city or the neighborhood, need individual attention and therefore require special permits. The Zoning Board of Appeals (ZBA) grants these permits after receiving a recommendation from the Planning Board.

In reviewing a special permit application, the ZBA considers such factors as: compatibility with surrounding uses, public input, and neighborhood-specific issues, as well as compliance and consistency with the standards and purposes set forth in the zoning ordinance. The ZBA may grant a special permit with conditions, which attaches conditions to the permit that are designed to mitigate the expected impact of the intended land use upon the surrounding neighborhood. It may also deny a special permit petition.

## WHAT IS A MAJOR SITE PLAN?

Certain special permit petitions require major site plan review in order to review the physical elements of a project. Large commercial, industrial, multi-family (4+ units) and institutional developments are likely to have significant impacts on the city and are therefore designated as requiring major site plan review by the Planning Board. All projects which are over 8,000 sq. ft in gross floor area are subject to site plan approval

## WHAT IS A VARIANCE?

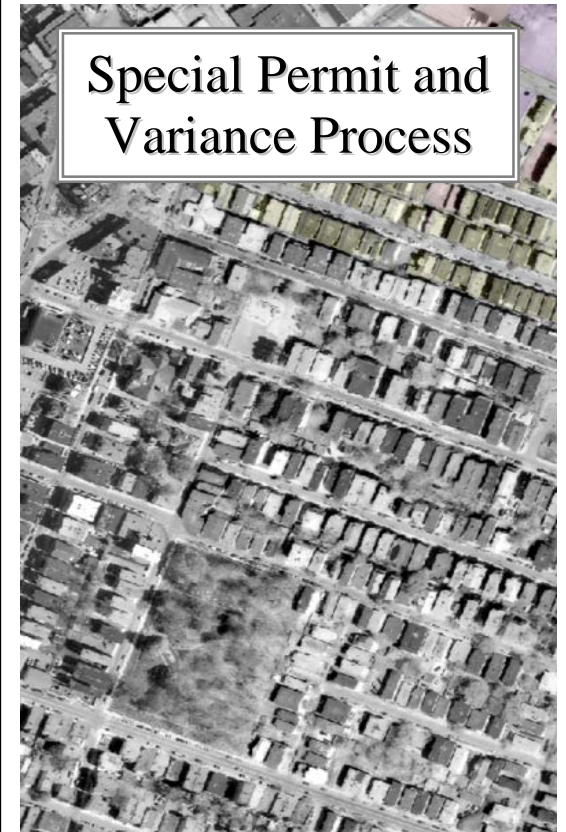
A variance grants relief from the dimensional or parking requirements set forth in the zoning ordinance.

Variances may be authorized only where the ZBA finds that **all four** of the following conditions apply:

1. *There are special circumstances* related to the soil conditions, the shape, or the topography of the land or structures on the land which affect it, but do not generally affect other properties in the zoning district in which it is located, therefore causing substantial hardship for the owner;
2. A literal enforcement of the ordinance would involve a *substantial financial hardship* to the applicant;
3. Desirable relief may be granted *without substantial detriment to the public good; and*
4. Desirable relief will be *in harmony with the general intent and purpose of the zoning ordinance.*



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## City of Chelsea



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